

Karen O'Kasey, OSB No. 870696
E-mail: kok@hartwagner.com
Matthew J. Kalmanson, OSB No. 041280
E-mail: mjk@hartwagner.com
HART WAGNER LLP
1000 S.W. Broadway, Twentieth Floor
Portland, Oregon 97205
Telephone: (503) 222-4499
Facsimile: (503) 222-2301

Attorneys for Defendants

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
PORTLAND DIVISION

LINDA STRICKER and STEVE
THOMPSON, individuals,

Plaintiffs,

v.

LEGACY HEALTH, a Domestic Nonprofit
Corporation, DOES 1 through 30, inclusive,

Defendants.

Case No 3:23-cv-00747-HZ

**DEFENDANTS' ANSWER TO
PLAINTIFFS' COMPLAINT**

JURY TRIAL DEMAND

In answer to plaintiffs' Complaint, defendants admit, deny, and allege as follows:

PARTIES AND JURISDICTION

1. Based on information and belief, defendants admit that plaintiffs Linda Stricker and Steve Thompson are the parents of Seth Robert Thompson, a Legacy Emanuel patient who died on July 4, 2021.

2. Based on information and belief, defendants admit that Stricker is a citizen of the state of Georgia and Thompson is a citizen of the state of Louisiana. Defendants admit that Legacy Health is a citizen of the state of Oregon that owns and operates Legacy Emanuel Medical Center. Defendants admit that diversity jurisdiction is proper.

FACTUAL ALLEGATIONS

3. Defendants admit that Seth Robert Thompson was taken to Legacy Emanuel for emergency treatment on July 4, 2021, after being severely injured in a fire. Defendants further admit that Mr. Thompson was pronounced dead in the Emergency Department of Legacy Emanuel on July 4, 2021.

4. Defendants admit that between July 4 and July 8, 2021, former Legacy employee Jordan Hoggro took pictures of Mr. Thompson's remains and disclosed two of those images to an individual who was not involved in Mr. Thompson's care.

5. Defendants admit that Legacy first learned of this conduct on September 16, 2021, from the individual to whom the images had been disclosed, and immediately investigated. Defendants further admit that Mr. Hoggro resigned in the face of the investigation. Defendants deny that Mr. Hoggro's actions were within the course and scope of his employment and deny that it had any information about this conduct until it was reported to Legacy on December 16, 2021. Defendants admit that once this information was provided to Legacy, a letter was sent to plaintiff Steven Thompson on February 11, 2022, notifying him about the disclosure.

6. Except as specifically admitted herein, defendants deny each and every remaining allegation of plaintiffs' Complaint and the whole thereof.

FIRST DEFENSE

(Failure to State a Claim – Invasion of Privacy)

7. Plaintiffs fail to state a claim for invasion of privacy under state law.

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SECOND DEFENSE

(Failure to State a Claim - Negligence)

8. Plaintiffs fail to state a claim for relief for negligence under state law.

THIRD DEFENSE

(Failure to State a Claim – Negligent Hiring, Retention and Supervision)

9. Plaintiffs fail to state a claim for negligent hiring, retention, and supervision under Oregon law.

FOURTH DEFENSE

(Reservation)

10. Defendants reserve the right to raise additional defenses that may become apparent during discovery.

WHEREFORE, having fully answered plaintiffs' Complaint, defendants pray for judgment in their favor, including an award of costs, disbursements and other relief as the court may deem just and proper.

DATED this 13th day of June, 2023.

HART WAGNER LLP

By: /s/ Karen O'Kasey
Karen O'Kasey, OSB No. 870696
kok@hartwagner.com
Matthew J. Kalmanson, OSB No. 041280
mjk@hartwagner.com
Of Attorneys for Defendants

Trial Attorney: Karen O'Kasey, OSB No. 870696

CERTIFICATE OF SERVICE

I hereby certify that on the 13th day of June, 2023, I served the foregoing
DEFENDANTS' ANSWER TO PLAINTIFFS' COMPLAINT on the following party at the
following address:

Michael Wise
Michael Wise & Associates
385 1st St, Ste 221
Lake Oswego, OR 97034
Of Attorneys for Plaintiff

by electronic means through the Court's Case Management/Electronic Case File system.

/s/ Karen O'Kasey
Karen O'Kasey